United Nations

A/CONF.210/2006/6

General Assembly

Distr.: General
30 March 2006

Original: English

Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22 to 26 May 2006

Provisional rules of procedure of the Review Conference

I. Agenda

Rule 1
Provisional agenda

The provisional agenda for the Review Conference shall be the draft agenda prepared by the fifth round of informal consultations of States Parties to the Agreement, which serves as preparation for the Review Conference.

Rule 2
Adoption of the agenda

The provisional agenda shall be submitted to the Review Conference for its approval immediately after the opening of the Conference.

Rule 3
Amendment and deletion of items

Items on the agenda may be amended or deleted by the Review Conference.

II. Representation and credentials

Rule 4
Participating States

1. Each State Party to the Agreement and any entity referred to in article 1, paragraph 2 (b) of the Agreement, that has become a party to it (hereinafter "Party to the Agreement") may participate and be represented at the Review Conference, in accordance with the present rules of procedure.

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2. Any State and any entity, referred to in article 1, paragraph 2 (b) of the Agreement, which in accordance with the Agreement is entitled to become a party to it but has not yet done so may participate and be represented at the Review Conference, in accordance with the present rules of procedure.

3. For the purposes of these rules of procedure, the term "participating State" applies to States and entities referred to in paragraphs 1 and 2 of this rule.

Rule 5
Participation of the European Community

1. The representatives of the European Community shall participate in the Review Conference in matters within its competence.

2. In no case shall such participation entail an increase of the representation to which States Parties to the Agreement, members of the European Community, would otherwise be entitled.

Rule 6
Composition of delegations

1. The delegation of each participating State in the Review Conference shall be represented by a head of delegation and such other representatives, alternate representatives and advisers as may be required.

2. The head of delegation may designate an alternate representative or an adviser to act in his/her capacity.

Rule 7
Submission of credentials

1. The credentials of representatives and the names of alternate representatives and advisers of participating States shall be submitted to the Secretariat, if possible no later than twenty-four hours after the opening of the Review Conference. Any changes in the composition of the delegations shall also be submitted to the Secretariat.

2. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs, and, in the case of an entity party to the Agreement, by the authority competent to do so.

Rule 8
Credentials Committee

At the beginning of the Review Conference, a Credentials Committee of nine members shall be appointed by the Conference on the proposal of the President from representatives of the Parties to the Agreement. The Committee shall elect a Chairperson and a Vice-Chairperson. It shall examine the credentials of representatives of participating States and report to the Review Conference without delay. Meetings of the Credentials Committee shall be held in private.

Rule 9
Provisional participation

Pending a decision of the Review Conference upon their credentials, representatives of participating States shall be entitled to participate provisionally in the Review Conference.

III. Officers

Rule 10
Election of officers

1. The Review Conference shall elect a President from among the representatives of the States Parties. The Review Conference shall also elect from among representatives of the States Parties five Vice-Presidents, giving due consideration to geographic representation. The Review Conference shall elect two additional Vice-Presidents from among the representatives of the participating States not party to the Agreement, who may be from any region. The Review Conference may also elect such other officers as it deems necessary for the performance of its functions.

2. The Review Conference shall establish a committee for the purpose of drafting Conference documents other than the record of deliberations. The committee shall be chaired by a member of the Bureau and shall be open to broad participation from among representatives of all participating States.

Rule 11
General powers of the President

1. In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall preside at the plenary meetings, declare the opening and closing of each meeting, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules of procedure, have complete control over the proceedings and over the maintenance of order thereat. The President may propose to the Review Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, the adjournment or closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his/her functions, remains under the authority of the Review Conference.

Rule 12
Acting President

1. If the President is absent from a meeting or any part thereof, he/she shall designate one of the Vice-Presidents to take his/her place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 13
Replacement of the President

If the President is unable to perform his/her functions, a new President shall be elected.

Rule 14
Voting rights of the President

The President, or a Vice-President acting as President, shall not vote but may designate another member of his/her delegation to vote in his/her place.

IV. Bureau

Rule 15
Composition and functions

1. The President and Vice-Presidents shall constitute the Bureau.

2. The Bureau shall assist the President in the general conduct of work of the Review Conference which falls within the competence of the President. It shall meet as necessary during the Review Conference to review the progress of work and make recommendations to the Review Conference for furthering such progress. It shall also meet at such other times as the President deems necessary or upon the request of any other of its members.

3. The Chairperson of any subsidiary body established by the Review Conference may be invited to attend meetings of the Bureau and participate without vote in its discussions.

V. Secretariat of the review conference

Rule 16
Duties of the Secretary-General of the United Nations

1. The Secretary-General of the United Nations shall act in that capacity in all meetings of the Review Conference and its subsidiary bodies.

2. The Secretary-General of the United Nations may designate a member of the Secretariat to act in his place at these meetings.

3. The Secretary-General of the United Nations shall provide and direct the staff required by the Review Conference.

Rule 17
Duties of the Secretariat of the Review Conference

The Secretariat of the Review Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate, reproduce and circulate documents of the Review Conference;

(c) Make and arrange for the keeping of sound recordings of meetings;

(d) Arrange for the custody and proper preservation of the documents of the Review Conference in the archives of the United Nations;

(e) Generally perform all other work that the Review Conference may require.

Rule 18
Statement by the Secretariat

The Secretary-General of the United Nations, his representative or any member of the Secretariat designated by either for that purpose may, at any time, make either oral or written statements concerning any question under consideration.

Rule 19
Invitation of technical or legal advisers

The Review Conference may invite through the Secretariat to one or more of its meetings or to the meetings of its subsidiary bodies any person whose technical or legal advice it may consider useful for its work.

VI. Opening of the Conference

Rule 20
Temporary President

The Secretary-General of the United Nations or, in his absence, his representative shall open the first meeting of the Review Conference and preside until the Conference has elected its President.

VII. Conduct of business

Rule 21
Quorum

1. The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the participating States are present.

2. The presence of representatives of a majority of the Parties to the Agreement so participating shall be required for any decision to be taken.

Rule 22
Speeches

1. No representative may address the Review Conference without having previously obtained the permission of the President. Subject to rules 25 and 28 below, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers.

2. Debate shall be confined to the question before the meeting of the Review Conference and the President may call a speaker to order if the remarks of that speaker are not relevant to the subject under discussion.

3. The Chairperson of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that body.

Rule 23
Time limit on speeches

The Review Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. Before a decision is taken, two representatives of participating States may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative exceeds the allotted time, the President shall call that representative to order without delay.

Rule 24
Points of order

During the discussion of any matter, a representative of a participating State may rise to a point of order and the point of order shall be immediately decided by the President in accordance with these rules. Only a representative of a Party to the Agreement may appeal against the ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless it is overruled by a majority of the Parties to the Agreement present and voting. If the vote is equally divided, the appeal is regarded as rejected. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 25
Closing of the list of speakers

During the course of a debate, the President may announce the list of speakers and, with the consent of the Review Conference, declare the list closed.

Rule 26
Right of reply

1. Notwithstanding rule 25 above, the President may accord the right of reply to any representative of a participating State who requests it. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day or at the conclusion of the consideration of the relevant item if that is sooner.

2. A representative may make no more than two statements under this rule at a given meeting on any item. The first statement should be limited to five minutes and the second to three minutes.

Rule 27
Adjournment of debate

During the discussion of any matter, a representative of a Party to the Agreement may move the adjournment of the debate on the question under discussion. In addition to the representative who proposes the motion, two

representatives of participating States may speak in favour of, and two against, the motion, after which the motion shall, subject to rule 30 below, be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 28
Closure of debate

A representative of a Party to the Agreement may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his or her wish to speak. Permission to speak on the motion shall be accorded only to two representatives of participating States opposing the closure, after which the motion shall, subject to rule 30 below, be immediately put to the vote. If the Review Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 29
Suspension or adjournment of the meeting

During the discussion of any matter, a representative of a Party to the Agreement may at any time move the suspension or the adjournment of the meeting. Such motions shall not be debated but shall, subject to rule 30 below, be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 30
Order of motions

Subject to rule 24 above, the following motions shall have precedence in the following order over all other proposals or motions before the Review Conference:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Rule 31
Submission of proposals and substantive amendments

Proposals and substantive amendments put forward by a participating State shall normally be submitted in writing to the Secretariat of the Review Conference, which shall circulate copies to all delegations. Unless the Review Conference decides otherwise, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to all delegations in the languages of the Review Conference not later than 24 hours preceding the meeting. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Rule 32
Withdrawal of proposals and motions

1. A proposal may be withdrawn by the representative of a participating State who proposes it at any time before voting on it has commenced provided that the proposal has not been amended. A proposal thus withdrawn may be reintroduced by any representative of a participating State.

2. A motion may be withdrawn by the representative of a State Party to the Agreement who makes it at any time before voting on it has commenced provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any representative of a Party to the Agreement.

Rule 33
Invocation of certain rules by the European Community and its Member States

No representative of the European Community shall invoke rules 24, 27, 28, 29, 31 and 32 above if those rules have already been invoked on the same matter by any of its States members that are Parties to the Agreement. No representative of the States members of the European Community shall invoke any of the above-mentioned rules if a representative of the European Community has already done so on the same matter.

Rule 34
Decision on competence

Subject to rule 30, any motion by a Party to the Agreement calling for a decision on the competence of the Review Conference to discuss any matter or to adopt a proposal submitted to it shall be decided before the matter is discussed or a decision is taken on the proposal in question. If consensus is not attainable, the Review Conference shall take a decision by a two-thirds majority of the Parties to the Agreement present and voting, taking into account, to the maximum extent possible, views expressed at the Review Conference by participating States that are not parties to the Agreement.

Rule 35
Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered unless the Review Conference takes a decision to that effect. Permission to speak on a motion to reconsider the proposal shall be accorded only to two representatives opposing the motion, after which it shall be immediately put to the vote.

VIII. Decision-making

Rule 36
General agreement

The Review Conference shall conduct its work on the basis of general agreement on matters of substance. Where the President determines that it has not been possible to reach general agreement, the President shall specify a time period for consultations among interested participating States in order to reach such general agreement. The President may, in consultation with the Bureau, appoint a facilitator

for the purpose of reconciling the differences in order to reach general agreement on the matters in question.

Rule 37
Voting

1. The Review Conference may proceed to a vote on matters of substance in accordance with this rule only after all efforts at achieving general agreement have been exhausted. Before doing so, the President shall inform the Review Conference that all efforts at reaching general agreement have been exhausted.

2. Subject to rule 5, each Party to the Agreement shall have one vote.

3. Any participating State may request that its views on the matters in question be included in the record of the meeting.

Rule 38
Decisions on questions of substance

Subject to rule 37, decisions of the Review Conference on matters of substance shall be taken by a two-thirds majority of the Parties to the Agreement present and voting, taking into account, to the maximum extent possible, views expressed at the Review Conference by participating States that are not parties to the Agreement.

Rule 39
Decisions on questions of procedure

1. Except as otherwise provided in these rules and subject to rule 37, decisions of the Review Conference on all matters of procedure shall be taken by a majority of the Parties to the Agreement present and voting, taking into account, to the maximum extent possible, views expressed at the Review Conference by participating States that are not parties to the Agreement.

2. If the question arises whether a matter is one of procedure or of substance, the President shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the Parties to the Agreement present and voting.

3. If a vote is equally divided, the proposal or motion is regarded as rejected.

Rule 40
Decisions on amendments to proposals relating to questions of substance

Decisions on amendments to proposals relating to questions of substance, as well as on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of representatives of the Parties to the Agreement present and voting, taking into account, to the maximum extent possible, views expressed at the Review Conference by participating States that are not parties to the Agreement.

Rule 41
Meaning of the phrase "representative present and voting"

For the purpose of these rules, the phrase "representative present and voting" means representative of the Party to the Agreement participating in the Review Conference casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Rule 42
Method of voting

1. The Review Conference shall, in the absence of mechanical means for voting, vote by show of hands or by standing, but a representative of any Party to the Agreement may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the Parties to the Agreement participating in the Review Conference, beginning with the Party whose name is drawn by lot by the President. The name of each Party shall be called in any roll-call and one of its representatives shall reply "yes", "no" or "abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the Parties to the Agreement.

2. When the Review Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands or by standing and a recorded vote shall replace a roll-call vote. A representative of a Party to the Agreement may request a recorded vote. In the case of a recorded vote, the Review Conference shall, unless a representative of a Party requests otherwise, dispense with the procedure of calling out the names of the Parties; nevertheless, the result of the voting shall be included in the record in the same manner as that of a roll-call vote.

Rule 43
Conduct during voting

After the President has announced the commencement of voting, no representative of any participating States may interrupt the voting except on a point of order in connection with the actual conduct of the voting.

Rule 44
Explanation of vote

Representatives of Parties to the Agreement may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such statements.

Rule 45
Division of proposals and amendments

A representative of a Party to the Agreement may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a

whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 46
Amendments

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless otherwise specified, the word "proposal" in these rules shall be considered to include amendments.

Rule 47
Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Review Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Rule 48
Order of voting on proposals

1. If two or more proposals, other than amendments, relate to the same question, unless the Review Conference decides otherwise they shall be voted upon in the order in which they have been submitted. The Review Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted upon in the order in which the original proposals were submitted unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

Rule 49
Elections

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or slate.

Rule 50
Restricted balloting for one elective place

1. When only one elective place is to be filled and no candidate obtains in the first ballot the required majority, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among more than two candidates obtaining the largest number of votes, a second ballot shall be held. If on that ballot a tie remains among more than two candidates, the number shall be reduced to two

by lot and the balloting, restricted to them, shall continue in accordance with paragraph 1 above.

Rule 51
Restrictive balloting for two or more elective places

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such a majority is less than the number of places to be filled, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and to a number not more than twice the places remaining to be filled. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots and to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

IX. Subsidiary bodies

Rule 52
Establishment of subsidiary bodies

1. In addition to the Credentials Committee and the committee referred to in rule 10, paragraph 2, above, the Review Conference may establish such other subsidiary bodies as it deems necessary for the performance of its functions.

2. Subject to rules 8 and 10 above, the composition and competence of each subsidiary body will be determined by the Review Conference.

Rule 53
Rules of procedure of subsidiary bodies

Unless otherwise decided by the Review Conference, these rules apply, mutatis mutandis, to the proceedings of its subsidiary bodies, except that:

(a) Subject to subparagraph (b) of this rule, the Chairperson of a subsidiary body may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the participating States in the subsidiary body are present;

(b) A majority of members of the Credential Committee shall constitute a quorum;

(c) The Chairperson of a subsidiary body may exercise the right to vote.

X. Languages

Rule 54
Languages

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Review Conference and any subsidiary body that it may establish.

Rule 55
Interpretation

1. Speeches made in any of the six languages of the Review Conference shall be interpreted into the other five languages.

2. Any representative may make a speech in a language other than a language of the Review Conference. In that case, the representative shall provide for interpretation into one of the languages of the Review Conference.

Rule 56
Languages of official documents

Official documents shall be published in the languages of the Review Conference.

XI. Records

Rule 57
Sound recordings of meetings

Sound recordings of plenary meetings of the Review Conference and, when so decided, of meetings of its subsidiary bodies shall be made and kept by the Secretariat in accordance with the practice of the United Nations.

XII. Public and private meetings

Rule 58
General principles

1. Unless otherwise decided, the plenary meetings of the Review Conference and, subject to rule 8, of its subsidiary bodies shall be held in public.

2. All decisions of the plenary meeting of the Review Conference taken at a private meeting shall be announced at an early public meeting of the plenary.

3. At the close of a private meeting of any subsidiary body, with the exception of the Credentials Committee, the presiding officer of the body concerned may issue a communiqué through the Secretariat.

XIII. Observers

Rule 50
Participation of observers

1. The following may participate as observers in the Review Conference:

(a) Organizations and entities that have received a standing invitation from the General Assembly to participate in the work of international conferences convened under its auspices;

(b) Specialized agencies, the Global Environmental Facility and other relevant international financial institutions;

(c) Entities referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e);

(d) Regional and subregional fisheries management organizations and arrangements, as well as other fisheries bodies;

(e) The United Nations Development Programme, the United Nations Environment Programme, the Commission on Sustainable Development and other interested United Nations bodies and organs;

(f) Relevant intergovernmental organizations and bodies which were represented at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks Conference or were invited as observers to the informal consultations of States Parties to the Agreement;

(g) Non-governmental organizations which were invited as observers to the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks Conference or to the informal consultations of States Parties to the Agreement.

2. Representatives of observers referred to in subparagraphs 1 (a) to (f) above may participate, subject to the provisions of these rules, in the deliberations of the Review Conference and, as appropriate, of its subsidiary bodies in question, within the scope of their activities, but shall not be entitled to participate in the taking of decisions.

3. Representatives of observers referred to in subparagraph 1 (g) above may attend public meetings of the Review Conference and, as appropriate, of its subsidiary bodies in question and, upon invitation by the President or by a presiding officer of the subsidiary body, may make brief oral statements on questions in which they have special competence. In order to facilitate the making of such statements when the number of requests is too large, the Review Conference shall request the non-governmental organizations to form themselves into constituencies, each of which shall speak through one spokesperson.

4. Written statements and other material submitted for information by observers referred to in this rule shall be placed by the Secretariat, in the quantities in which the statements and materials are made available to it, at the site of the Review Conference provided that a statement or material is related to the work of the Review Conference and concerns a subject in which the observer or observers in question have a special competence.

XIV. Suspension and amendment of the rules of procedure

Rule 60
Method of suspension

Any of these rules may be suspended by the Review Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Rule 61
Method of amendment

These rules may be amended by a decision of the Review Conference taken by a two-thirds majority of the representatives of Parties to the Agreement present and voting.